

BEFORE THE MERIT EMPLOYEE RELATIONS BOARD
OF THE STATE OF DELAWARE

IN THE MATTER OF
ROBERT J. O'HARA

Grievant

v.

DEPT. OF FINANCE

STATE OF DELAWARE, Agency

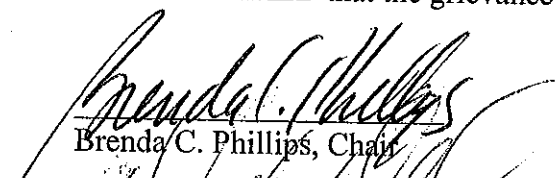
DOCKET NO. 02-08-274

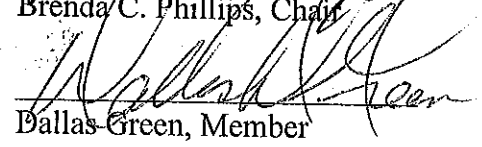
ORDER OF DISMISSAL

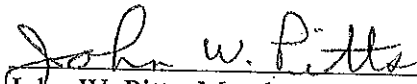
BEFORE Brenda C. Phillips, Chair, John F. Schmutz, John W. Pitts, Dallas Green, and Paul R. Houck, Members, constituting a quorum of the Merit Employee Relations Board pursuant to 29 Del. C. § 5908(a).

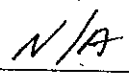
AND NOW, this 15th day of May, 2003, it appears to the Board that the Grievant, Robert J. O'Hara, by signing a letter of agreement in settlement of the above-referenced grievance intends to withdraw his appeal before the Merit Employee Relations Board. The Department of Finance, through its representative, Deputy Attorney General, Ilona Kirshon, having signed the same agreement, does not object to this request. A copy of the signed agreement is attached.

IT IS ORDERED that the grievance is withdrawn and this matter is **DISMISSED**.


Brenda C. Phillips, Chair


Dallas Green, Member


John W. Pitts, Member


Paul R. Houck, Member

Original: File
Copies: Grievant
Agency
Agency's Representative
Merit Employee Relations Board
State Personnel Office (3 copies)

DATE MAILED May 20, 2003

COPY



M. JANE BRADY
ATTORNEY GENERAL

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

NEW CASTLE COUNTY
Carvel State Building
820 N. French Street
Wilmington, DE 19801
Criminal Division (302) 577-8500
Fax: (302) 577-2496
Civil Division (302) 577-8400
Fax: (302) 577-6630
TTY: (302) 577-5783

KENT COUNTY
102 West Water Street
Dover, DE 19901
Criminal Division (302) 739-4211
Fax: (302) 739-6727
Civil Division (302) 739-7641
Fax: (302) 739-7652
TTY: (302) 739-1545

SUSSEX COUNTY
114 E. Market Street
Georgetown, DE 19947
(302) 856-5352
Fax: (302) 856-5369
TTY: (302) 856-2500

PLEASE REPLY TO : New Castle County/Civil Division

April 3, 2003

Mary Jane Donnelly
Division of Revenue
Carvel Bldg., 8th Floor
820 N. French Street
Wilmington, DE 19801

Re: Robert J. O'Hara v. Delaware Dept. of Finance
MERB Docket No. 02-08-274

Dear Mary Jane;

Enclosed please find an original signed letter agreement in settlement of the above-referenced grievance appeal filed with the Merit Employee Relations Board. I have kept a file copy and will send a copy to the MERB, in accordance with paragraph 4, which will serve as a dismissal with prejudice of the proceeding.

I'm glad we could resolve this matter to everyone's satisfaction.

Very truly yours,

Ilona Kirshon
Ilona Kirshon
Deputy Attorney General

Encls.

cc: MERB
Michael Tischer

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M. JANE BRADY
ATTORNEY GENERAL

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

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CIVIL DIVISION

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SUSSEX COUNTY
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TTY: (302) 856-2500

April 1, 2003

PLEASE REPLY TO : New Castle County/Civil Division

HAND DELIVERY

Robert J. O'Hara
Division of Revenue
Collins Bldg., 1st Floor
540 S. DuPont Highway
Dover, DE 19901

Re: Robert J. O'Hara v. Delaware Dept. of Finance
MERB Docket No. 02-08-274

This letter sets forth the terms of a settlement of this matter. The Department of Finance ("Department") and Robert J. O'Hara ("O'Hara") agree as follows:

- (1) O'Hara will continued to be classified as a Tax Auditor and will be transferred from the Field Operations Bureau to the Special Projects/Non-filer section. Said transfer will be effective within two (2) weeks after the execution of this agreement.
- (2) O'Hara will work primarily out of the Kent County office under the Deputy Director of the Division of Revenue.
- (3) This Agreement shall not be deemed to be an admission of liability or wrongdoing by Department in this matter.
- (4) As part of the settlement of this action, O'Hara agrees to have his grievance appeal dismissed by the Merit Employee Relations Board. To effectuate same, a copy of this Agreement, after being signed by O'Hara and Department, shall be filed with the Board and shall constitute a dismissal with prejudice of the above proceeding.
- (5) Department's offer is conditioned upon O'Hara's release herein of any and all claims or actions, including demands for costs and attorneys' fees, against the State of

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Delaware, its agencies and any of its officers and employees, including but not limited to claims resulting from actions which are the subject of the aforementioned grievance and claims pertaining to or arising out of O'Hara's employment with the State of Delaware.

Dated: March 31, 2003

DEPARTMENT OF FINANCE

By: David M. Sullivan
DAVID M. SULLIVAN

Dated: April 1, 2003

Robert J. O'Hara
ROBERT J. O'HARA

Approved as to form:

Ilona Kirshon
Ilona Kirshon
Deputy Attorney General